

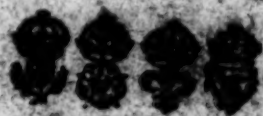
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THE  
LIBERTY  
AND  
INDEPENDENCY  
OF THE  
Kingdom and Church  
OF  
SCOTLAND.

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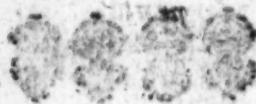
ASSERTED FROM  
Antient Records.

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EDINBURGH,  
Printed by Mr. Andrew Symson, 1702.

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LIBERTY  
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OF THE  
Kingdom and Church  
OF  
SCOTLAND  
ASSERTED FROM  
Ancient Records.



Printed by Mr. Andrew Spence, 1702.  
EDINBURGH



( \* )

TO THE  
Learned and Worthy  
Professour of History  
Mr. Henry Dodwell.

S I R,

IT is very surprising to us here, that some Papers have been printed lately at London, which invade the Rights and the Liberties of the Ancient and Independent Kingdom and Church of Scotland. At a time when many of that Order of Men, who formerly defended them, are now groaning under heavie Pressures and few pitie them. That this should be done by some of the same order is matter of Astonishment to all good men. And this is done, without producing any Law or Statute for it, without any Ordinance, Pragmatical Sanction or Decree, either of OEcumenical or Provincial Council. And this is obruded upon a Church, which by the confession of their own Historians, did first instruct their Nation in the True Religion, and gave many Bishops, and Superiours of Abbeyes and Monasteries to them. And all the Ground of this is some Papers they have published, Some whereof bear unquestionable marks of their Forgerie, others the proofs that their claim was never yielded either by our Kings or Church-men. And

†

this

( 7 )

~~this (to) be an uninterrupted possession of these Rights and Li-~~  
~~beries) after several Decisions of the Matter in our Favour,~~  
by some of the best Popes of these times. Since Natural affec-  
tion could force the Son of Cræsus, who was born Dumb,  
when his Father was in hazard of his Life, to say, Kill not  
the King, it cannot be thought strange, I (tho' no Churchman)  
should make use of the small pith I have, to defend the Rights  
and Liberties of my Country, and it's National Church. That  
I have perfix'd y<sup>r</sup> Great Name to this attempt of mine, is  
an Acknowledgement, that is due to your skill in these matters,  
and to your Integrity, and to the particular favours you did,  
Sir, to

Your most humble Servant,

Rob. Sibbald, M.D.



L 44 J

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To which is added,

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**The Liberty, and the Independency  
of the Kingdom, and Church of  
SCOTLAND, asserted from  
Antient Records.**

**SECTION I.**

***The Liberty and Independency of the  
Kingdom asserted.***

**T**HE Learned Lawyer and Historian Sir Thomas Craig, hath in his Treatise of Homage, by many arguments maintained the Independency of this Kingdom and Church, to which (that I know) no answer was given; yet of late some Papers have been Printed, which seem to infer the contrary: And altho' some of great knowledge amongst our Neighbours have Ingenuously told, that they laid no great weight upon these Papers, and that some of them favour strongly of the *English* Cloyster: yet because some are apt to Credit these things without Examining them, and some think they have gotten an advantage of us by publishing them: Some men of great Judgement here, think it fit there should be published a short Vindication of the Independencie of this Kingdom and Church: and because I have some Antient Records to that



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purpose, which were never published here, they requested me to publish them at this time, with such others I have seen, that are not mentioned by Sir Thomas Craig, which I could not refuse. I shall first give these which show this Kingdom depended not upon England because of the Homage our Kings performed: & then I shall prove that our Churchmen did not acknowledge any Subjection to the Church of England, and I shall confirm both, from the testimonies of Books printed in England, from the Manuscripts they have there, which they must needs acknowledge to be valid and probative.

And to begin with the Independencie of this Kingdom: The Homage done by our Kings doth not infer any Homage for this Kingdom: This I make appear from the Homage done by them, as it is set down in the Chronicle of *Malrose*, Printed at Oxford, - Anno 1684. Which giveth this account of the Homage performed by *Malcolm IV. King of Scotland*.

Anno M. C. LVII. Rex MALCOLMUS Scotorum, Veniens ad Regem Anglia Henricum apud Cestram, devenit homo suus, eo modo. Quo Avus suus fuerat homo veteris Regis Henrici, SALVIS Omnibus Dignitatibus suis.

The same Book of *Malrose*, ad annum 1217 giveth account that *Alexander [II.] King of Scotland* "apud Norhauntan veniens, a novo Rege Anglie cum summa reverentia susceptus est, & ibidem hominum fecit, dicto Regi Anglia, pro comitatu de Hunte-dun & ceteris terris, quas predecessores illi tenuerant de Regibus Anglia: Proximo die Sabbati ante natale Domini.

Neither in the former of these, nor this, is there any mention of the Kingdom of *Scotland*: In the former there is a reservation of his dignities: which freeth the Kingdom from Subjection: and in this, it is expressly said, the Homage was performed, for the Earldom of *Hunte-dun*, and the other Lands his predecessors held of the Kings of *England*.

There is a more special restriction in the Homage done by *Alexander [III.] King of Scotland*, the year 1278 which is to be seen



seen in the ancient Register or Chartulary of *Dunfermlin*,  
kept in the Lawyers Bibliotheca at *Edinburgh*.  
THE TITLE IS,

*De Homagio quod fecit Alexander*  
[III] *Rex Scotiae, Domino Edwardo*  
*Regi Angliae, Filio Regis Henrici, apud*  
*Westmonasterium, M.CC.LXXVIII.*

*Sub his verbis.*

"EGO devenio hominem vestrum, pro terris quas de vobis  
"teneo in Regno Angliae, de quibus Homagium vobis  
"debeo. SALVO REGNO MEO."

"Tunc dixit Episcopus Norwicensis, Et saluum sit Regi Ang-  
"liae, si jus habeat ad homagium vestrum de Regno. Cui Rex  
"postea respondit, & aperte dicens, Ad Homagium Regni mei  
"Scotiae nullus jus habet nisi SOLUS DEUS, nec illud teneo  
"nisi de SOLO DEO."

"Tunc Robertus de Brus Comes de Caryk, fecit fidelitatem  
"pro dicto Domino Rege Scotiae, jurando in anima sua sub his  
"verbis: Sic Deus me adjuvet & Christi gratia, Dominus meus  
"Rex Scotiae qui hic est, erit vobis fidelis, de vita & membris,  
"et de terreno honore, & vestra concilia celabit."

"Et tunc Rex Scotiae adiecit secundum formam Homagij  
"quod sibi fecit, scilicet de terris quas de vobis teneo, in Re-  
"gno Angliae: & Rex Scotiae concessit, quod faceret servitia  
"Regi Angliae de illis (Salvo Regno suo) debita & consue-  
"ta, eidem fecit Homagium."

This sheweth, the Homage was expressly for the Lands  
our Kings held in *England*, and not for the Kingdom of *Scot-*  
*land*

land, which is excepted. And from these Records, and the proofs adduced by Sir Thomas Craig, it is evident that the Kingdom of Scotland did not depend on England. I come now to prove the Independency of the Church of Scotland likewise.

## SECTION II.

### Of the Independency of the Church of Scotland.

**G**OD of his Mercy to this Kingdom, very soon sent us the Light of the Gospel, as appeareth from *Tertullian* and other Writers: and our Church men were very careful to preserve the Liberties of the Church: *England* submitted to the Tyranny of the Pope of *Rome*, long before we were brought under it, as appeareth from *Bede* and other Histories. The *English* had Arch-Bishops before we had any, but we had very soon one who was called *Episcopus Scotorum*. Some extracts I have out of the Ancient Register of the Priory of *St. Andrews*, tell us, "*Regis Alexandri [I] diebus, prope vixit temporalis finem.*" "*D. Robertus primus Sconensis Ecclesie Prior, in Episcopum Scotorum, electus fuit, sic quippe ab Antiquo Episcopi Sancti Andreæ sunt dicti. Et in Scriptis tam antiquis quam modernis inveniuntur dicti, summi Episcopi Scottorum, Unde conscribi fecit in theca Evangelii Fothet Episcopus, maximæ vir Autoritatis, versus istos,*

*Hanc Evangelii Thecam construxit aviti Fothet, qui Scotis summus Episcopus est.*

"51.

"Sicut nunc quoque in vulgari & communione locutione Episcop. Alban. Episcopi Albanie appellantur. The Bishop of St. Andrews had many privileges granted by the Popes. I shall give two from the Original Bulls I have.

The First is granted by Pope Alexander [IV.] and is thus:  
 "Alexander Episcopus, servus servorum Dei, Venerabili fratri Episcopo Sancti Andree salutem & Apostolicam benedictionem. Eri omnium Ecclesiarum sollicitudinem teneamus generalem gerere, illas tamen quae ad Romanam Ecclesiam *nullo mediante* pertinent, intueri sollicitius nos oportet, precavendo indemnitatibus earundem & profectibus prout nobis donat Dominus intendendo. Hinc est quod nos volentes quantum cum Deo possumus Ecclesiae tuae Sancti Andree a futuro gravamine precavere, ut re naturae debitum persolvendo, Carissimus in Christo filius noster Rex Scotiae Illustris vel aliquis alius, bona mobilia praedictae Ecclesiae occupare nequeant cum hoc ipsi non habeant de consuetudine vel a iure, auctoritate praesentium districtius inhibemus. Nulli ergo omnino hominum liceat hanc paginam nostrae inhibitionis infringere vel ei nisi temerario contraire. Si quis autem hoc attemptare presumpserit indignationem omnipotentis Dei & Beatorum Petri ac Pauli Apostolorum eius se noverit incursurum. Dati Anagnini XII. Kls Decembris Pontificatus nostri Anno quinto.

This, besides the particular privilege granted to the Bishop, sheweth the Church of Saint Andrews belonged to the Roman Church *nullo mediante*, which excludeth all Foreign Metropolitans; and proveth it had none such. The other is granted by Pope Innocent [IV.] to Abel Bishop of St. Andrews, and is thus.

"Innocentius Episcopus, servus servorum Dei, venerabili fratri Abel Episcopo Sancti Andree, salutem & Apostolicam benedictionem. Personam tuam sinceram diligentes in Domino caritate, libenter tuis precibus benignam accommodamus.



"mus auditum, eas precipue ad exauditionis gratiam admitten-  
 "do, que honorem tuum specialiter respicere dinoscuntur. Tuis  
 "igitur supplicationibus inclinati, auctoritate tibi presentium  
 "indulgemus, ut ad provisionem alicujus in pensionibus vel Ec-  
 "clesiasticis beneficiis compelli non possis: nec aliquis valeat, te  
 "invito, de hujusmodi beneficiis ad tuam collationem spectanti-  
 "bus, alicui providere per literas sedis Apostolice vel Legatorum  
 "ipsius impetratas. Dummodo nemini sit ius acquisitum, per  
 "eas, aut etiam impetrandas absque speciali mandato sedis e-  
 "iusdem faciente plenam & expressam, ac de verbo ad verbum,  
 "de hac indulgentia mentionem. Nulli ergo omnino hominum  
 "liceat hanc paginam nostre concessionis infringere vel ei nisi  
 "temerario contraire. Si quis autem hoc attemptare presum-  
 "pserit indignationem omnipotentis Dei & beatorum Petri &  
 "Pauli Apostolorum eius se noverit incursum. Dat.  
 "Lateran. **XII.** **Kls.** **Aprillis**  
 "Pontificatus nostri anno **Undecimo.**

This likewise, by the Priviledge given, excludeth a Me-  
 tropolitan; yea the very orders of the Court of Rome: if they  
 mention not this priviledge. To confirm this, I shall set down  
 here, what *Hoveden* gives us, *ad annum 1188, fol. 371.*

*Epistola Clementis ad Willielmum Regem Scottorum de  
 exemptione Ecclesiarum terra sua.*

"Clemens Episcopus, servus servorum Dei, charissimo in  
 "Christo Filio Willielmo illustri Scottorum Regi, Salutem  
 "& Apostolicam benedictionem: Cum universi Christi iugo sub-  
 "iecti ad sedem Apostolicam, patrocinium invenire debeant &  
 "favorem; illos tamen specialius convenit munimine protecti-  
 "onis confoveri, quorum fidem ac devotionem in pluribus est  
 "experta, ut ad ipsius electionis favorem tanto amplius provo-  
 "cetur, & ejus reverentia devotiori affectione subdantur,  
 "quanto benevolentia ipsius & Gratia pignus se noverint, cer-  
 "tius affectos: ea propter (charissime in Christo Fili) reveren-  
 ti

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"dam, ac devotionem, quam ad Romanam te habuisse a lon-  
 "gis retro temporibus ecclesiam novimus, attendentes, præ-  
 "sentis scripti pagina iuximus statuendum, ut Scotiana Ec-  
 "clesia Apostolicæ sedis, cujus filia specialis existit, nullo me-  
 "diante debeat subiacere; in quâ hæc sedes Episcopales esse no-  
 "suntur, Ecclesiæ videlicet Sancti Andree, Glasguensis, Dun-  
 "keldensis, Dumblinensis, Brechinensis, Aberdonensis, Mora-  
 "viensis, Rosanensis, Karmensis. Et nemini liceat nisi Roma-  
 "no Pontifici, vel Legato ab ipsius latere destinato, in Reg-  
 "num Scotiæ interdicti, vel excommunicationis sententiam  
 "promulgare, & si promulgata fuerit, decernimus non valere:  
 "adjuvamus, ut nulli de cætero, qui de Regno Scotiæ non fue-  
 "rit, nisi quem Apostolica sedes propter hoc de corpore suo  
 "specialiter destinaverit, licitum sit in eo Legationis offici-  
 "um exercere. Prohibemus autem ut controversiæ, quæ fue-  
 "rint in Regno illo de possessionibus ejus exortæ, ad examen  
 "extra Regnum positorum judicum non trahantur, nisi ad Ro-  
 "manam Ecclesiam fuerit appellatum. Si qua vero scripta con-  
 "tra hujus libertatis statuta apparuerint impetrata, vel in posse-  
 "rum, istius concessionis mentione non habita, contigerit im-  
 "petrari: nullum tibi, vel ipsi regno circa hujus prerogativæ  
 "concessionem, præjudicium generetur, præterea libertates &  
 "immunitates tibi, vel eidem regno, vel Ecclesiis in eo con-  
 "stitutis, a prædecessoribus nostris Romanis Pontificibus indul-  
 "tas, & hæcenus observatas, ratas habemus & illibatas fu-  
 "turis temporibus statuimus permanere. Nulli ergo hominum  
 "liceat paginam nostræ constitutionis & prohibitionis infrin-  
 "gere, vel ei aliquatenus contraire, si quis autem hoc attentare  
 "præsumpserit, indignationem omnipotentis Dei, & beato-  
 "rum Petri & Pauli Apostolorum ejus, se noverit incursum.  
 "Datum Lateranis, tertio idus Martii, Pontificatus nostri anno  
 "primo.

In the next place, I shall set down as Sir Henry Spel-  
 man hath it from Hoveden, *Annal. pars p. 1. fol. 406:* and

B

Dated

Dated, A. D. 1191. 2 Ric. 1: the Decretal Epistola Ca-  
 lestini Papa. III. quo Scoticanam Ecclesiam Apostolicam Sede  
 nullo mediante, *subiicit: Anna Pontificatus sui primo*

-o Eodem anno (inquit) Willielmus Rex Scotorum misit  
 Nuntios suos ad Celestinum summum Pontificem pro liber-  
 tatis Ecclesiarum regni sui confirmandis, & invenit gratiam  
 in oculis Domini Papa; ita quod Dominus Papa in hanc  
 forma scripsit illi,

“Celestinus Episcopus, servus servorum Dei, charissimo  
 in Christo filio Willielmo illustri Scotorum Regi, Salutem  
 & Apostolicam benedictionem. Cum universi Christi fidei  
 subiecti apud sedem Apostolicam patrocinium invenire de-  
 beant & favorem, illos tamen specialius convenit promoti-  
 onis munimine confoveri, quorum fidem & devotionem in  
 pluribus est experta, ut ad ipsius dilectionis favorem tanto  
 amplius procedant, & eius reverentia devotiori affectione  
 subdantur, quanto benevolentia ipsius & gratia pignus se-  
 noverint certius assequutos. Ea propter, charissime in Chri-  
 sto filio, reverentiam ac devotionem, quam ad Romanam se-  
 dem habuisse a longis retro temporibus Ecclesiam novimus, at-  
 tendentes: presentis scripti pagina duximus statuendum, ut  
 Scoticanæ Ecclesiæ Apostolicæ sedi, cuius filia specialius ex-  
 istit, **NIL B L O M E D I A N T E**, debeat subiacere,  
 in quibus hæc Episcopales esse noscuntur: Ecclesiæ viz.  
 Sancti Andrea, Glasguensis, Dunkeldensis, Dumblanensis,  
 Brehineensis, Aberdonensis, Moravensis, Rosanensis, Cathi-  
 nensis; & nemini liceat nisi Romano Pontifici, vel Legi-  
 to ab ipsius Latere destinato, in regnum Scotiæ, interdicti  
 vel excommunicationis sententiam promulgare; & si pro-  
 mulgata fuerit, decernimus non valere. Adicimus ut nulli  
 de cetero, qui de regno Scotiæ non fuerit, nisi quem Apo-  
 stolica sedes propter hoc de corpore suo specialiter destina-  
 verit



"verit, licetum sit in go. legationis officium exercere? Pro-  
 hibemus autem, uncontravenire quae facta in regno illor de  
 possessionibus ejus exorta, ad examen extra regnum posito-  
 rum judicium non trahantur, nisi ad Romanam Ecclesiam suc-  
 rit appellatum. Si quae vero scripta, contra hoc liberatis  
 statutum, apparuerint impetrata, vel impofteram, istius con-  
 cessionis mentione non habita, contigerit impetrari, nullum  
 tibi vel ipi regno circa hujus prerogative concessionem pra-  
 judicium generetur. Praeterea libertates & immunitates ti-  
 bi, vel ei regno, vel Ecclesiis in eo constitutis, a predecessori-  
 bus nostris, Romanis Pontificibus indultas, & hactenus ob-  
 servatas, ratas habemus, & illibatas futuris temporibus sta-  
 tuimus permanere. Nulli ergo hominum liceat hanc paginam nostre constitu-  
 tionis & prohibitionis infringere, vel ei aliquatenus contra-  
 ire. Si quis autem hoc attentare praesumpserit, indignatio-  
 nem omnipotentis Dei, & beatorum Apostolorum Petri &  
 Pauli, se noverit incursum. Datum Lateranis, tertio I-  
 dus Martii, Pontificatus nostri anno primo.

I proceed now to show, that our Church-men did all things  
 belonging to the Government of the Church, without any De-  
 pendency upon England. That they had provincial Coun-  
 cills each year, made Canons, and had one of their own  
 Bishops, under the Title of Conservator, who Summoned the  
 members to the Provincial Council, and did preside therein.  
 I shall first produce the Letter for Holding each year a pro-  
 vincial Council [it is by Pope Honorius III.] I give it as I had  
 it extracted by a Friend, out of the Old Chartularie of Mil-  
 ray, in the hands of the present Bishop. It is thus.

"Honorius Episcopus, servus servorum Dei, venerandis Filiis,  
 "Universis Episcopis Scotiae & Abbatibus, salutem. Quidam  
 "vestrum nostris, super auribus inclinaverunt, quod cum non  
 "habeatis Archiepiscopum, cujus auctoritate possitis provin-  
 "ciale

"ale concilium celebrare, contingit in Regno Scotia  
 "quod est a sedem apostolica ram remorum statuta regit  
 "neralis Concilii, enormia plura committi, qua remanent im-  
 "punita cum autem provincialia concilia omitti non debent in  
 "quibus de corrigendis excessibus & moribus informandis dili-  
 "gens est habendus cum Dei timore tractatus; ac Canonica  
 "religenda sua regula & servanda maxime qua in eodem  
 "Concilio Generali sunt statuta, per apostolica vobis Scripta  
 "mandamus, quatenus cum Metropolitanum noscimini non  
 "habere, auctoritate nostra Concilium provinciale celebretis.  
 "Dat. Tybur, xiii. Kal. jun. pontificatus nostri anno nono.

From this Record it is clear that our Church had then no Me-  
 tropolitan by the Pope's own Testimony. And though we had  
 no Arch-Bishops then, yet our Church had the Power to  
 Convoat a Provincial Synod for the intents mentioned in  
 this Letter.

The Course the Church took was, to name one of their  
 Bishops *Conservator*, with the Powers belonging to that of-  
 fice: For proof of this I give you the Letter of one of the  
 Bishops of *Murray*, who was *Conservator* then, which was  
 extracted for me, out of the Old Chartularie of *Murray* a-  
 bovementioned: It is thus,

### *Litera Conservatoris.*

"Reverendo in Christo patri. D. N. N. [ *This seems to be*  
 "Alexander.] Episcopus Moray: Conservator Scoticanus Ia-  
 "luem. Tot onera per eos qui potestatem habere videntur,  
 "imponuntur Ecclesie in partibus nostris, quod Sacerdotes &  
 "possessiones eorum in luto & latere serviunt; & tot affliguntur  
 "Angustis, quod de amaritudinis calice omnes bibunt. Cu-  
 "pientes igitur Ecclesiam ad solitam & pristinam libertatem  
 "reducere, & reduci provinciale concilium celebrandum a-  
 "pud Perth, in domo Fratrum Predicatorum, Die Martii prox-  
 "imo



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"imo post Festum B. Luca Evangelista, cum continuatione  
 "dierum, auctoritate Conservatoria praefigimus. Eadem au-  
 "toritate vestram Reverendam paternitatem requirentes & in  
 "Domino attentius exhortantes, quod ibidem dicto, cum con-  
 "tinuatione dierum cum Praelatis vestra dice: Et Capitulis  
 "Collegiorum & Conventuum procuratoribus idoneis, in ha-  
 "bitu decenti intersitis, ad tractandum super reformatione sta-  
 "tus ecclesiarum: Nec dubitamus quin etiam modernis tem-  
 "poribus in Ecclesia Scotica jam oppressa pretiosas aliquas  
 "sibi Deus conservaveris Margaritas, qui diebus Eliae septem  
 "millia hominum reservavit, qui ante Baal genua non curva-  
 "verunt.

Sir Henry Spelman (Conciliorum vol. 2 pag. 304.) men-  
 tioneth that "anno domini 1259 vel circiter, Concilium Sco-  
 "ticum, praesente Rege Alexandro, Perthi, id est in oppido  
 "S. Johannis, habitum. *Of which he giveth this account.* Ha-  
 "bitum deinde est concilium primatum Ecclesiarum, praesente  
 "Rege, Perthi, Eo concilio edita sunt Statuta provincialia  
 "approbante Rege & Regni Primoribus, quae & hoc tempore  
 "in Ecclesia observata manent.

Besides this, there is an old Copie of the Chartularie of A-  
 berdeen, in a private hand at Leith; In which there is a Col-  
 lection of the Canons of our Church, Decreed in our Coun-  
 cills, in all appearance done by Bishop Elphinstan, who is  
 said to have collected them by these who give account of his  
 writings. Before these is prefixed a Bull of Pope Honorius  
 the III. for holding Provinciall Councils in the same ma-  
 ner and with the Formalities, General Councils were kept,  
 and there is in this M. S. about a hundred Canons.  
 It is evident then our Church is Independent of England,  
 and all else except the Pope, when it acknowledged him.

SECT.



## S E C T. III.

## An account of the Controversie concerning the subjection of the Church of Scotland to the English Arch-Bishops.

I shall give an account of the Controversie about the Subjection of our Church to the *English*, from our Historians briefly. The *English* Writers pretend that the Popes *Paschal* and *Alexander* the III. granted the privilege that the Arch-Bishop of *York* should preside over the *Scots* Bishops, who had not as yet an Arch-Bishop of their own, that they might be consecrated by him.

But *Polidore* says, that those Popes endeavoured to Subject the *Scots* Bishops to the Arch-Bishop of *York*, the *Scots* protesting against it in General, and appealing to the See of *Rome*: the Controversy was referred to Pope *Alexander*, who did not decide the same: and our Churchmen did never yield the subjection, as you will see from the History of *Eadmerus*. For upon a Vacancie in the See of *St. Andrews*, King *Alexander* the I. surnamed the *Pierce*, sent to *Randolph* Arch-Bishop of *Canterbury*, to have his advice for the promoting of some worthy person, unto the place, and in his Letters to that effect, complained of the Arch-Bishop of *York* his Encroaching upon the Church of *Scotland*, through the oversight of *Lanfrank* Arch-Bishop of *Canterbury*, that had given way to the Consecration of some of the Bishops of *St. Andrews* at *York*

York, and desired his assistance in the redressing that abuse, which he said he could not any longer tolerate: and afterwards he desired *Eadmerus* might be sent to fill the place at *St. Andrew*. The history of this and what followed thereupon, with King *Alexander's* and *Randolph's* Letters may be seen in *Eadmer's* *hist. novorum*. When *Eadmerus* came he began to magnify the Church of *Canterbury*, and the authority it had over all the Churches of *Britain*, Declaring, that by the King's leave, he would seek the Episcopal Benediction from the Bishop, and would not receive it at the Hands of any other: which offended the King greatly: for by no means could he endure to hear of his Church's Subjection to the *English*: and told *Eadmerus*, He had nothing to do with *Canterbury*, nor so long as he lived should any Bishop of *Scotland* profess subjection to that See: upon which *Eadmerus* delivered back the Ring which he had received from the King, and laid down his Crozier upon the Altar and away he went. He made afterwards offer to return upon the Kings terms, but he was prevented by a new Election, which the King had caused to be made.

*Robert*, Prior of *Scone*, with an uniform consent was by the Chapter of *St. Andrews* chosen Bishop, and stood Elect two years before King *Alexander's* Death: and at the request of King *David* he received the Benediction at the hands of *Thurstan* Bishop of *York*, with reservation of the Privileges of both Churches, which (Arch-Bishop *Sporniswood* sayeth), if the King had lived, would not have been permitted, for he was a Prince that stood much upon his Royalty, and would not endure at any hand the least encroachment either on his Kingdom or on the Church. *Eadmerus* (in his *hist. nov.*) giving account of the conference *Eadmerus* had with this *K. Alexander*, telleth us *eam a Pontifice Eboracensi Consecrari exhorrens*, to that it appeareth he was against the Consecration of any of his Bishops, either by the Arch-Bishop of *Canterbury* or *York*.

The



The Extracts I have out of the Register of the Priorie of St. Andrew show, that "Impetravit Rex David Consecrationem Antistitem Ecclesie St. Andrew, jam dictum D. Robertum a pia memoria Turstino Eboracensi Archiepiscopo *sine professione vel qualibet exactione*, salva duntaxat utriusque Ecclesie dignitate, & Sancte atque Apostolicę sedis auctoritate. This is confirmed by Turstinus his writ thereupon, which you will find *Anglia Sacra* *tomo 2do. Pag. 234.* Thus,

**Charta Turstini Archiepiscopi de Consecratione Roberti Episcopi Sancte Andrea, ex Bibliotheca Cottoniana Titus A. 19.**

**T**HURSTINUS Archiepiscopus Dei gratia Eboracensis, universis Sanctę Ecclesie filiis salutem. Notum sit omnibus tam presentibus quam futuris, absolute me Consecrasse *sine professione & obedientia*, pro dei amore, & Regis Scotie venerabilis David, Robertum St. Andrew Episcopum, salva querela Eboracensis Ecclesie & justitie Ecclesie Sancti Andrew, et si Archiepiscopus Eboracensis de Querela sua loqui voluerit, Rex plenariam restitutionem remota malevolentia ei exequetur ubi iuste debet. Testibus Ranulpho Dunelmensi Episcopo, Johanne Glasguensi Episcopo, Radulpho Orcadensi, Galfrido Eboracensis Monasterij abbate, Herberto Rocosbertensi, Waldevo de Creilant, Adulpho Priore, Nicholao Sconensi, Waltero de Gant, Eustachio filio Johannis, Hugone de Cavo, & toto Sti. Petri capitulo, Galfrido Murdac, Aschetin de Culmere, & de Scotia Almaro milite, Alden filio Adelwold, Ulchil filio Mernin, Ulchil filio Maldred, Gille, Colman, Sluged, Roberto de Waterville, Rogero Coyners.

*Nota*



## NOTA

**T** *Hurstanus Robertum* Consecravit, Anno 1128. qui nullam  
(ut dicitur) professionem de quavis Subiectione vel O-  
bedientia, Ecclesie *Eboracensi*, aut ejus Pontifici facere per-  
missus a *Scotis* est, licet *Eboracensis* Canonicus fuerit.

*Florentius Wigorniensis.*

So you see by this unquestionable Record of the Arch-  
Bishop *Tarfin* confirmed by a Famous *English* Historian,  
neither King *David*, nor his Churchmen, yielded any Subje-  
ction to the See of *York*.

Upon the Death of *Arnold* Bishop of *St. Andrews* who  
succeeded to the abovementioned *Robert*,

The King did recommend his Chaplain *Richard* to the  
place, who was immediately elected by the Convent, but not  
Consecrated for the space of two years after (as Arch-Bp *Spots-  
wood* sayeth, hist. lib. 2. p. 38.) Because of the Arch-Bishop  
of *York* his pretensions. One *Roger* held at that time the See  
of *York*, a Man ambitious beyond all measure, who had  
procured of Pope *Anastasius* the fourth, a Bull, whereby he  
was designed Metropolitan of *Scotland*. But the King and  
the Clergy ( notwithstanding the Pope's authority was in  
those days greatly respected ) refused to acknowledge  
him. And *Anastasius* dying, the Prelates of *Scotland* did  
conveen, and by themselves performed the Consecration.  
*Roger* then found the favour at *Rome* to be made Legate of  
*Scotland*, and cited the *Scottish* Clergy to appear before him.  
Some of them went and kept the Diet, and in the name of  
the Church of *Scotland* appealed to the Pope. And there-  
upon took Journey to *Rome*. Where the business being de-  
bated

bated before *Alexander* the III. Sentence was given against *Roger* his pretended Legation, and the Church of Scotland declared to be Exempted from all Spirituall Jurisdiction, the Apostolique See only excepted. This exemption *Angelramus*, who in the Mean time was promoted to the See of *Glasgow*, and consecrated at *Rome*, brought back and presented to the King, [*Malcolm IV.*] Arch-Bishop *Spwiswood* sayeth, the Bull is yet extant.

The dispute grew hotter in King *William* II's Time, for that amongst other things which King *William* promised to *Henry* during his Captivity, before he could be set at Liberty, this is said to be one, that he should bring the *Scots* Bishops to a Conference and Dispute with the Arch-Bishop of *Tork*, before the Bishops of *England*, and compel them to do what should appear to be just. The Kings of *Scotland* and *England* did thereupon meet at *Northampton*, and *Hoveden* sheweth us, that King *William* brought with him several Bishops, Abbots and Priors of his Kingdom, whom he nameth (*Annal. part. post. fol. 314.*) who when they were required to give Subjection, answered, that they were never subject to the Church of *England*, nor ought to show any Subjection thereunto. To which *Roger* Arch-Bishop of *Tork* replied, affirming, that the Bishops of *Glasgow* and *Whitehorn* were subject to the See of *Tork* in the Time of the Arch-Bishops Predecessors.

To which *Focelin* Bishop of *Glasgow* rejoyned, that the Church of *Glasgow* was a peculiar Daughter to the Church of *Rome*, and exempted from all subjection to any other Bishops or Arch-bishops.

*Hoveden* perverteth this Story. For at the Meeting the Archbishop of *Tork* being Plaintiff, did not alledge that all the *Scots* Bishops ow'd him Subjection, but only those of *Glasgow* & *Whitehorn*, for which he produced Bulls from the Popes. Therefore it is false what some *English* Writers assert, that the Pope granted a Superiority over all the *Scots* Bishops,

to the Arch-bishop of York, and as Sir Thomas Craig telleth us, [discourse concerning Homage pag. 124] the Bishop of Glasgow did clear himself, and his Collegues, by this answer That although the Pope had granted such a Priviledge to the Arch-bishop of York by Subordination, that yet Pope Clement, being well informed of the injustice of his Predecessor, did free all the Bishops of Scotland from the Jurisdiction of the Bishop of York, and all other Foreign Jurisdiction but that of the Church of Rome. The bull of Exemption is also Recorded by Hoveden: and both Hoveden and Polydore show that the Question was then decided.

In the year 1176 Hugo Cardinal de Sancto Angelo at a meeting of the Scottish Clergy at Northampton would have persuaded the Clergy of Scotland to submit themselves to the Primate of York; but a young Chanoine named Gilbert, spoke to this effect. "The Church of Scotland, ever since the Faith of Christ was embraced in that Kingdom, hath been a free and Independent Church, subject to none, but the Bishop of Rome, whose Authority was refuse not to acknowledg. To admitt any other for our Metropolitane, especially the Arch-bishop of York, wee neither can nor will. For any Controversies which may arise amongst our Selves, we have learned and wise Prelates who can determine the same, and a good and Religious King, who is able to keep all things in frame and order, so as wee have no necessity of any stranger to be set over us. And I cannot think that either his Holiness hath forgotten, or you my Lords that are his Legate, can be ignorant of the late Exemption granted unto Malcolm our last King. Wherefore in the Name of all the Scottish Church wee entreat the preservation of our ancient Liberties; and that we be not brought under subjection to our Enemies. The Legate perceiving that the business would not work, and that the opposition was like to grow greater, he brake up the Assembly.



These things were done in the Time of King Henry the second: but Richard the first, who succeeded, did release William King of Scotland of all Covenants made and confirmed by a Charter, unto King Henry as extorted from him being then his Prisoner, reserving only such Rights to himself, as had been performed by Malcolm his Brother, to his Antecessors Kings of England. I shall give it as it is printed in *Heorden* in *Rit* 1. s.

**Charta Ricardi Regis Anglie de Libertatibus Willielmo Scottorum Regi concessis**

**R**ICHARDUS Dei gratia Rex Anglie, Dux Normannie, & Aquitanie, & Comes Andegavie, Archiepiscopis, Episcopis, Abbatibus, Comitibus, & Baronibus, Justitiariis, & Vice-Comitibus, & omnibus ministris & fidelibus suis totius Anglie, salutem. Sciatis nos carissimo consanguineo nostro Willielmo eadem gratia Regi Scottorum reddidisse castella sua Rokesburgh, & Berewick tanquam ejus propria, jure hereditario, ab eo & heredibus suis in perpetuum possidenda: preterea quietavimus ei omnes conventiones, & pactiones, quas bonae memoriae pater noster, Henricus Rex Anglie per novas chartas, & per captivum suum extorsit, ita viz. ut nobis faciat integre & plenarie quod Rex Scottorum Malcolmus frater ejus Antecessoribus nostris de jure fecit, & de jure facere debuit. Ex nos faciamus ei quicquid Antecessores nostri predicto Malcolmino de jure fecerunt, & facere debuerunt, scilicet in conductu veniendo ad Curiam, & redeundo a Curia, & morando in Curia, & in procurationibus, & in omnibus libertatibus, & dignitatibus, & honoribus eadem jure debitis, secundum quod recognoscetur a quatuor proceribus nostris, ab ipso Willielmo Rege electis, & a quatuor proceribus illius a nobis electis, si autem fines, five marcias

"marcias regni Scotiz, aliquis nostrorum hominum, postquam  
 "prædictus Willielmus Rex à patre nostro captus fuerit, n-  
 "cupaverit absque iudicio, volumus ut integrè restituantur,  
 "et ad eum statum reducantur, quo erant ante ejus captionem.  
 "Præterea de terris suis, quas haberet in Angliâ, seu domini-  
 "cis, seu feodis, scilicet in Comitatu Huntingdonie, & in  
 "omnibus alijs: in ea libertate, & plenitudine possideat, & ha-  
 "redes ejus in perpetuum, qua Malcolmus, possedit vel pos-  
 "sedere debuit, nisi prædictus Malcolmus, vel hæredes sui  
 "aliquid postea infeodaverint: ita tamen quod si qua postea  
 "infeodata sunt, ipsorum feodorum servitia ad eum, vel hære-  
 "des ejus pertineant: & si quid pater noster prædicto Williel-  
 "mo Regi Scotiz donaverit, ratum et firmum habere volumus.  
 "reddidimus etiam ei Ligantias hominum suorum, & omnes  
 "chartas, quas dominus pater noster de eo habuit per Canoni-  
 "nem suam, & si aliqua alia forte per oblivionem retenta,  
 "aut inventa fuerint, eas penitus viribus carere precipimus.  
 "ipse autem ligius homo noster devenit de omnibus terris  
 "de quibus antecessores sui ligii homines antecessorum nostro-  
 "rum fuerunt, & fidelitatem juravit nobis, & hæredibus nostris,  
 "testibus his: Baldewino Cantuariensi Archiepiscopo, &  
 "Waltero Rothomageni Archiepiscopo, & Hugone Dunel-  
 "mensi, & Joanni Northwicensi & Huberto Saresbiriensi, &  
 "Hugone Lincolnensi, & Godefrido Wintoniensi, & Gilleberto  
 "Rosensi, & Reginaldo Bathoniensi, & Hugone Coventrensi,  
 "& Willielmo Wigornensi Episcopis, & Alienor matre Re-  
 "gis, & Johanne Comite Mortoni fratre Regis, & multis  
 "alijs. The Manuscript Copie I have of this hath some other  
 "Witnesses: and it ends, "Datum per manum Willielmi Elyensi  
 "electi, Cancellarii nostri, apud Cant. Regni nostri anno primo.

[ 2 ]

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## SECTION. IV.

### The Papers lately Printed are Refuted.

**I** begin with the Letter to the Archbishop of Canterbury.  
*Bibl. Cott. Claudius. A.*

This, as it is lately Printed can make no Faith, because the name of our King is not mentioned; but we find the same Letter in *Edmarius Hist. Novor. Lib. 5. P. 117.* and I shall set it down as it is there.

"Domino & Patri Charissimo Radulpho, Venerabili Cantuariensi Archiepiscopo, Alexander Dei misericordia, Rex Scottorum, salutem & devo & fidelitatis obsequium. Notificamus vobis ( benignissime pater ) quod Episcopus Ecclesie Sancti Andree Apolloli, Dominus videlicet, Turgodus H. KL. Temp. in gravit a seculo. Unde valde contristamur tanto Solario destituti. Requiritur ergo Paternitatis vestre consilium & auxilium, sicut confidimus in vobis, ut secundum deum, talem substituere valeamus, qui nos & gentem nostram per Deo placitam conversationem, Regere & docere utiliter sciat. Petimus etiam ut recordari dignemini, quod vobis jam quadam vice suggestimus de Episcopo Ecclesie Sancti Andree; quod in antiquis temporibus non solebant consecrari nisi ab ipso Romano Pontifice, vel ab Archiepiscopo Cantuariensi; hocque tenuimus & per Successiones temporum, ex autoritate rarum habuimus, quousque Dominus Laufrancus Archiepiscopus, (nescimus quo pacto) absenti-

bus



thus nobis et nostris, Thome Eboraci Archiepiscopo illud ad  
 tempus relaxaverat, quod omnino vestra, si placet, aucto-  
 ritate suffragari, non concedimus. Nunc igitur, si ad id no-  
 bis nostraque Ecclesie reparandum vestrum adiutorium spe-  
 rare debemus. Quod humillimis votis desideramus & peti-  
 mus. Secreto nobis cunctudinem dignis vestris apicibus re-  
 mandare cunctis. Valere.

I desire to know which of these two Copies shall be fu-  
 llained Authentique, for both cannot, because they differ. I  
 shall first give the Reasons wherefore that lately Printed said  
 to be taken from *Bibl. Cott.* cannot be received. And then upon  
 what ground wee reject that in *Eadmerus*.

In that, from the *Bibl. Cott.* The name of the King is not  
 mentioned, which is usuall in all Authentick Papers. Then  
 the King is not designed *Dei Gratia*, as all Kings, and ours in  
 that time, Wrote. Then it hath *ex auctoritate fixum habuimus*,  
 while as in the other it is *ratum habuimus*. And below it  
 hath *Nec igitur*——which destroyeth the sense, while as the  
 other hath *nunc igitur* which maketh up the sense wanting  
 in the other.

We have a Proverb, *Falshood hath no feet*: and this Non-  
 sense in this Record justly maketh us suspect it. I proceed  
 to the Copy in *Eadmerus*, which is better worded, as to the  
 Sense, but as to Truth, falleth short: For the Designation  
 of the King is, *Alexander, Dei Misericordia, Rex Scotorum*,  
 which was not usual. Then, this same King *Alexander* pro-  
 veth to be *Alexander I.* surnamed the *Fierce*: Wee shall  
 grant this King desired Counsel of *Radulf* Arch-bishop of  
*Canterbury* about filling the place of *Turgot* late Bishop of  
*St. Andrews* and particularly demanded *Eadmerus*: does it  
 follow from thence that he did acknowledge the Church of  
*Scotland* was subject either to the See of *Canterbury* or *York*?  
 in no way, Yea in this letter he will not have any of his Bps  
 to be consecrated by the Arch-bishop of *York* and desireth the  
 Arch-

Arch-bishop of *Canterbury* his assistance against the Encroachment of the Arch-bishop of *York*. That he meant not his Churches should be subject to either, is evident from the same *Eadmerus* (*ibid* p. 132) who giving account of the discourse this King *Alexander* had with *Eadmerus* concerning his Consecration, says "Eum a pontifice Eboracensi consecrari exhorrens; and then addeth, ubi se docemus, accepit auctoritatem Ecclesie Cantuariensis, ex antiquo toti Britannie preminere, & ideo, ipso disponente, se Cantuarie Episcopalem benedictionem velle requirere, conturbatus animo surgens discessit ab eo. Nollebat enim ecclesiam Cantuariensem anteferri Ecclesie Sancti Andree de Scotia. And because *Eadmerus* refused to obey, the King made *Robert* Prior of *St. Andrew* Bishop of *St. Andrew*; and below, he saith of this King that he told *Eadmerus* "Eum ab Ecclesia Cantuariensi penitus absolutum, nec omnino aliquid in ea participium habere, seque in vita sua consensum non præbitorum, ut Episcopus Scotiae Subderetur Pontifici Cantuariorum. So it is clear that no regard is to be had to this paper.

Before I examin the Bulls of the Popes, adduced to prove the Subjection to the See of *York*; I shall give an account of these Popes, the Circumstances they were in when these Bulls are said to be granted, and what Inducements they might have to grant them, as far as this may be done from *Platina* who writes their Lives, and I must premise this, that *Sir Thomas Craig*, upon good Grounds, denyeth that the Pope could invert the Dignities of our Church, and make the Church, which was free before, a Servant and Hand-maid. If these who claim'd this Subjection did believe that the Pope had such a Power, there was a Trick put upon them, when he was supposed to have that Power which he had not. Both the *English* Historians above mentioned, and the very Bulls themselves show that our Kings & our Church men had no regard to them though they were Threatned with Excommunication and Interdiction upon their Disobedience.

Sir



Sir Thomas tells us, That these who are vested in the  
 Canon Law know the Pope does never tie up his own hands,  
 but what he hath established by one Bull, he can reverse it  
 by another. And it is certain, that when the Scots complain-  
 ed grievously of this Bull, the Pope being thereunto induced  
 by good Motives, did grant as much Power to the Scottish  
 Bishops, as to the English Arch-Bishops. In the Bull of this Contraverſie, and the Pretext for claiming  
 this Subjection, was this, That our Churchmen, who before  
 were famous for their Humility and Self-denial, became about  
 this time infected Typhoſularis, that is, With the love of  
 Grandeur and ſenſual Pompe; and though ſome good men  
 might deſire to be Conſecrated by thoſe whom Fame gave out  
 to excell in Learning and Piety; yet others of them, to be  
 Modish after the faſhion of the Church of Rome, took the Be-  
 nediction (when elected) ſome of them from the Arch-Bi-  
 ſhop of Canterbury, and ſome from the Arch-Biſhop of York;  
 Yea Sir Thomas Craig telleth us that a Biſhop of Glaſgow was  
 conſecrated by the Biſhop of Lyons in France. But there was  
 no neceſſity for them to do ſo, for as Sir Thomas Sheweth,  
 by the Canon Law, the conſent or Authority of an Arch-  
 biſhop, is not required to the Conſecration of a Biſhop. And  
 that not only Biſhops, but ſometimes alſo Archbiſhops were  
 conſecrated by Biſhops. Scotland was always an Independent Kingdom; and for  
 that Reaſon, neither the Archbiſhop of Canterbury or of York  
 could ever have a Title to claim any Subjection from it. For  
 according to the Canon Law, an Archbiſhop is only the Or-  
 dinary of a Province, and ſo the Independent Kingdom of  
 Scotland could never come under the Jurisdiction of any of  
 them. In examining theſe pretended Bulls, I begin, according  
 to the order of Time, with that directed by Pope Calixtus  
 to King Alexander the I. This Calixtus is the ſecond  
 of that name, who as Platina (Sheweth in his Life) had a  
 D competitor

competitor, *Gregorius Anti-papa*, called formerly *Basilianus*? who was Authorized by the Emperour *Henry the V.* with whom *Calixtus* had Debates, and probably might Grant *England* in this matter, to get Money, which the *English* could better afford than we. It hath been shown already that this King *Alexander the I.* would never yield that any Bishop in his Kingdom should be Subject either to the Archbishop of *Canterbury* or *York*: And though we should grant this were a true Bull, yet it appeareth from the Bull its self, our Bishops gave no obedience to it: for these words in it Import this, "pro Episcoporum qui in tuo sunt Regno praesumptio-  
"ne, atque pro venerabilis fratris *Thursthini Ebor. Archie-*  
"piscopi negotio, alias ad te jam literas misimus, nec exaudia-  
"ti sumus. And the same is confirmed in the other Bull directed to the Bishops of *Scotland*, for their obeying the Archbishop of *York*, by these words in it "ceterum sicut no-  
"bis significatum est, vos usque adhuc id facere neglexistis. And both these Bulls are in favours of *Thursthinus*, who by his Letter (mentioned by us before) had declared that he had Consecrated *Robert* Bishop of *St. Andrews*, "Aboluitque  
"line ulla subjectione aut obedientia.

The next to be examined by us is the Bull of *Innocentius the II.* in favours of the same *Thursthinus*: and this is full of Wrath and Threatnings, for that the *Scots* had not obeyed *Calixtus* and *Honorius* their Bulls; and yet this was not obeyed, as appeareth from *Thursthinus* his Letter before mentioned. Now this Pope *Innocent* had a Competitor, *Anti-papa Anacletus*, who forced him to leave *Rome*, and so was inclinable to make Friends of the *English*, that they might assist him against his Adversarie. We may upon good Grounds judge it to be Spurious, for that it is so severe, when he knew that the *Scots* neither had, nor would obey any such order: and that it mentioneth a Bull of *Honorius*, to the same purpose with his, which is not produced. And we have reason to deny there was any such, since by the favour of the  
Learned



Learned Master Rymer, we have a Bull of Honorius the III.  
in our favour, confirming our Independencie, of all except  
the See of Rome, and particularly mentioning the Bull of Ce-  
lestinus and Innocentius his Predecessors: which I thought  
fit to set down here.

From Mr. Rymer's Letter to the  
Bishop of Carlisle.

*Collatio Libertatum Regis Scotie per  
Honorium Papam.*

AP. F.

Honorius Episcopus, servus servorum Dei, carissimo in  
Christo Filio Alexandro Illustri Scotorum Regi ejus-  
que successoribus in perpetuum. Cum universi fideles apud  
eandem Apostolicam patrociniū invenire debeant & favorem,  
illis tamen specialius convenit ejus protectionis munimine  
confoveri quorum fidem ac devotionem in pluribus est ex-  
perta, ut ad ipsius dilectionis fervorem tanto amplius pro-  
vocentur, & ejus reverentia devotiori affectione subdantur,  
quanto benevolentia ipsius & Gratia pignus se noverint cer-  
tius affectos. Ea propter, Carissime in Christo Filij, Re-  
verentiam ac devotionem quam ad Romanam Ecclesiam a  
longis retro temporibus, te ac Predecessores tuos habuisse  
cognovimus attendentes, presentis scripti pagina, ad exem-  
plar sanctis recordationis Celestini & Innocentii predeces-  
sorū nostrorum Romanorum Pontificum, districtius mini-  
bimus ut, cum Scotiana Ecclesia Tedi Apostolica, sicut fi-  
lia specialis, nullo medio sit Subjecta in qua hæc sedes Epi-  
scopales

Episcopales esse voluerunt, Ecclesia videlicet Barchinensis, Arelatensis, Dunelmensis, Ecclesia Gloucestrensis, Dunelmensis, Brachinensis, Ecclesia Abergenensis, Ecclesia Munsterensis, Ecclesia Rofensis, & Ecclesia Kilonensis, non nisi licet nisi Romano Pontifici, vel legato ab ipsius latere destinato, in Regnum Scotia interdicti vel excommunicationis sententiam promulgare, & si promulgata fuerit decernimus non valere. Adicimus etiam, ut nulli de cetero, quod de Scotia Regno non fuerit, nisi quem Apostolica sedes propter hoc de corpore suo specialiter designauerit, licitum sit in eo Legationis officium exercere. Prohibemus autem ut contraverſia quae fuerint in Regno ipso de possessionibus ejus exorta, ad examen extra Regnum potestatum judicium non trahantur, nisi ad Romanam fuerit Ecclesiam appellatum. Si qua vero Scripta contra hujus libertatis statutum apparuerint impetrata, vel in posterum, istius concessionis mentione non habita, contigerit impetrari, nullum tibi, tuisve successoribus vel ipsi Regno circa hujus prerogativae concessionem praedictum generetur. Praterea Libertates & Immunitates tam tibi quam Regno tuo Ecclesiae in eodem Regno constituta, ab Ecclesia Romana concessas & hactenus observatas, ratas habemus, & eas futuris temporibus illibatas manere sancimus, salva tamen sedis Apostolicae auctoritate. Nulli ergo omnino hominum liceat hanc paginam nostrae concessionis, prohibitionis & confirmationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare, praesumpserit indignationem omnipotentis Dei & beatorum Petri & Pauli Apostolorum eius se noverit incursurum. AMEN. AMEN. AMEN. &c.

*The Popes Subscription, and severall Cardinals who subscribed and gave Seals.*  
Dati Lateran. per manum Rainerii S. Romani Ecclesiae Vice-  
cellarii, XI. Kls. Decemb. indict. VII. incarnationis Domini  
nicae anno MCCXVIII. Pontificatus nostri domini Honorii PP.  
tercii, anno tertio.

The



The next Bull to be tryed is that of *Adrianus quartus*, It is thus Tit'led ;

**Bulla directa omnibus Episcopis SCO-  
TIAE, in specie & nominatim.**

**A**drianus Episcopus, servus servorum Dei, Venerabilibus  
fratribus, H. Glasguensi, Christiano Witenensi, R.  
Sancti Andree, M. de Dunblan, G. Ducheldensi, T. Ber-  
thunensi, G. Appredunensi, W. Murreven, S. Sancti Petri in  
Ros, & A. Catenehiensi Episcopis, Salutem & Apostolicam  
Benedictionem.

Quod si in aliqua Ecclesia, divina clementia disponente,  
talis pastor statuitur, de cuius discretionis atque prudentia  
bonam fiduciam opussumus, tanto maiori gaudio, ex hoc ip-  
so replemur, quanto de omnium Ecclesiarum profectu cogi-  
mur existerre studiosi : Et ideo venerabilem Fratrem nostrum  
Rogerum, Archiepiscopum Ebor: & Metropolitanum ve-  
strum, debita benignitate suscepimus & pallium ( Ponti-  
ficis scilicet plenitudinem potestatis ) ipsi concessimus,  
atque circa nos aliquandiu commorantem, sicut illum, quem  
sincero cordis affectu speciali prerogativa diligimus, honeste  
tractavimus, & eum inter fratres & Coepiscopos nostros sicut  
deciuit, charum habuimus, Ipsum itaque ad Ecclesiam suam  
cum Gratia Sedis Apostolicæ & Literarum nostrarum prose-  
cutione, ducente Domino, redeuntem, Fraternitati vestre at-  
tentius commendamus : presentium autoritate præcipiendo  
mandantes, ut eum tanquam Metropolitanum vestrum dili-  
gere & honorare curetis, & debitam ei observantiam atque  
Reve-

\*Reverentiam Metropolitico jure, objectione seposita, deferar-  
 tis. Quod si non feceritis, & ei nolueritis obedire. Cum vos  
 volumus quod non sententiam quam idem frater noster in a-  
 liquem vestrum propter hoc, Canonice promulgaverit, nos,  
 auctore Deo, ratam habebimus. Dat. Roma apud S. Pe-  
 trum, III. Kal. Martij.

This Pope *Adrianus quartus* was an *English* man, and *Pla-*  
*tina* shows he was in bad Terms with the Emperour *Frederick*  
 the I. and others, and to have the *English* upon His Side,  
 might be induced to be friend them, if we should grant that  
 it were a true Bull: but there are several Expressions in the  
 Bull, for which we have good Reason to suspect it, and judge  
 it Forged. For our Manuscripts show, this same Rager was  
 suspended from his Office by Pope *Alexander* the III. the  
 immediat Successor of this same *Adrian*, and this *Adrian* must  
 have known that our King *Alexander* the I. had refused that  
 Subjection to the Archbishop of *Canterbury*, and to the Arch-  
 bishop of *York*, *Turstinus*, as wee have shown. It cannot  
 then be imagined he could put in this Bull the clause *objec-  
 tione seposita* and Threaten to confirm the Sentence should be  
 pronounced against our Church-men for Disobedience. Nei-  
 ther can he and his Court (what ever was their corruption  
 at that Time) be thought so ignorant of the state of our  
 Church, as in a Bull directed *omnibus Episcopis Scotiae in spe-  
 cie & nominatim*, to be guilty of so many mistakes as are in  
 this. As first, to place the Bp. of *Glasgow* before the Bp. of  
*St. Andrews*. Secondly, to leave out the Bishop of *Whithorn*,  
 designed then *Candida Casa*, the Bishop of *Argyle*, designed  
*Lismorensis*, the Bishop of *Orkney*, *Orcadensis*, the Bishop  
 of the Isles, *Sodorensis*, the Bishop of *Brechin*, *Brechinensis*.  
 Thirdly, can it be imagined that this Pope and his Court  
 would name in such a Bull, two Bishops wee never  
 heard of, *Christianus Wirtenensis* and *T. Beribunensis*, and call  
 them Bishops of *Scotland*, which except in this Bull, are never  
 named



U 32. 7  
named as such in our Histories & Records. Fourthly, Is it probable, that this should be done with such Threatning in it, at the Time when our King William was a prisoner in England? I am sure all unbiaſſed men are convinced that either this Bull was forged, or else that no regard is to be given to it.

The account I find in our M. S. The Title whereof is *Extracta & Chronica Scotia*, kept in the Lawyers Bibliothetheque at Edinburgh, is thus.

'Alexander Papa tertius, suspendit officio Episcopali Rogerum Eboracensem Archiepiscopum, Hugonem Dunelmensem, Gilbertum Londinensem Episcopos. And then this followeth;

'Rogerus Eboracensis Archiepiscopus, Papa Alexandro tertio falso suggerens, Legationis privilegium super Ecclesiam Scoticanam impetravit, cum quo pompose venit ad castrum de Norham mandans Clero Scotia, illum cum honore ut Legatum suscipere, aut sibi cognoscerent divinum officium sequestrandum. Clerus Scotia elegit ad Respondendum Angelramum Archidiaconum, Regis Malcolmi olim Cancellarium, postea Episcopum electum die dominica, & in sequenti Sabato in Presbiterum ordinatum. Salomonem Decanum Glasguensem, & Walterum Priorem de Calco, per quos cum Archiepiscopo est aliquamdiu disputatum, donec a Scotis ad Papam est appellatum, coram Quo astantibus procuratoribus Archiepiscopi, dictus Angelramus per praefatum Papam Alexandrum tertium in Glasguensem Episcopum est Consecratus ad Scotorum Landem. The copie of the Book of Paisly I have, sheweth lib. Octavo Cap. 15. (after that the the former Chapter had concluded, that in Octavis Pentecosts 'Papa Alexander suspendit Rogerum Eboracensem Episcopum ab omni Episcopali officio & ceteros qui interfuerunt coronationi non Canonice Henrici filii Regis) that, Hic vir 'Rogerus totis viribus conatus est primatum habere super Ecclesiam-

elefmi Scotie annis Domini millesimo, centesimo  
agesimo quarto, Angelarmus Archiepiscopus Glasguensis  
Cancellarius Malcolm Regis mortuo Herberto Electus est in  
Glasguensem Archiepiscopum in Dominica in sabato sequente sa-  
cerdos ordinatus est in quadagesimo die Electionis sua  
Romano Pontifice Alexandro tertio consecratus est  
quod Rogerus Eboracensis satis violente tulit  
sinistram informationem officium Legationis & privilegium  
falsis suggestionibus impetravit. Noram castello apud  
fluvium Tued auxiliante & favente Henrico noviter coronato  
& mox ad Clerum Scotiae ad Praelatos literas Legationis ut eum  
Legatum susciperent destinavit, quod si non obedirent, tum  
cognoscerent ipsos a divinis officiis sequestrandos.

Sed non profuerunt illi Haec avarae Babylonis artes. For the  
same Manuscript sheweth that Quibus auditis Angelarmus  
Praelatus, cum Salomone Decano Glasguensi & Waltero Priori  
de Calco de consensu Ecclesiae Scoticae aggradianus Nor-  
mum & Rogerus Eboracensis Episcopo alloquuntur unde tibi pro  
dispraesumptis illa etiam nosse honore et clandestinum te voluisse  
privilegium usurpare. Disputatum est hinc inde acriter, &  
per scotos appellatum est ad Alexandrum Papam ad gloriam  
Scotorum.

And the same Manuscript lib. 8. Cap. 25 sheweth that  
hoc tempore, quarto Kal. Februarii Rex Angliae tenuit con-  
siliium apud Northampton cui interfuit Rex Scotiae & om-  
nes Episcopi & praelati Regni Scotorum ad utriusque Regis  
edictum, ibi convenierunt Anglii desiderantes Ecclesiam  
Scoticam subiaci Episcopi Eboracensi, sed Rex &  
omnes praelati astantes appellaverunt & ad Gratiam  
Alexandri Papae Libertatem Ecclesiae Scoticae auctoritate  
apostolica confirmatam cum magnis privilegiis quidem, Sco-  
torum scientibus reportarunt. The M. S. extracta de Chro-  
nizis Scotiae kept in the Lawyers Bibliothecae at Edinburgh  
showeth that Concilio Northampton in Anglia Habito &  
convenientibus tam Angliae quam Scotiae Praelatis, Rogerus  
Ebo-



Eboracensis Episcopus proposuit Ecclesiam Scotiam subjectionem suae Ecclesiae Eboracensi, ad quod ex abrupto Gilbertus postea Camerarius Regis, deinde Episcopus Cathanensis, respondit, Ecclesiam Scotiam liberam, intruxisse reges in fide, & illam Angliae partem Borealem a Thamesis fluvio occupasse. Unde Verius,

Quod iustum est petito, si vis gaudere petito, & pro se Praetatis minime consultis respondit, si omnes Praetati regni consentiunt, ego dissentio subjectioni Ecclesiae Scoticae, Ecclesiae Anglicanae, & hic Dominium Apostolicum, cui immediate subiecta est, provoco. Et si oportuerit me pro eadem mori, hic Caput enim submittendo, nec ulterius Dominis meis hic Praetatis sentio, nec etiam consentio, quia honestius est ineptum Factum negare, quam longos terminos dare, quoniam minus decipitur, cui celerius negatur. His dictis, omnes laudabant Clericum. Et Rogerus Eboracensis Episcopus, hilari praetento Vultu, assurgens, & manu dextra caput Gilberti contrectans, voce risibili assistantibus dixit, *Ex propria pharetra, non venit ista sagitta.* Et sic Anglia recedentibus, cessavit concilium.

*I come now to consider, in the last place, The*

## **Recognitio Regis Scotiae super subjectione Episcoporum Scotiae Ecclesiae Eboracensi.**

**A**fter what has been said, this appeareth to be so barefaced a Forgerie, That the Learned Bishop of Carlisle hath justly marked it with this Brand, That, *It especially is*





best *English* Historians, *Bedmer*, *Hoveden* and *Sir Henry Spelman*. And this clause, 'Suppliciter postulo quatenus Domino meo Regi & Regno suo & Ebor. Ecclesie prædictam possessionem & subjectionem, vestra auctoritate, omni objectione & appellatione remota, restitui & reintegrari præcipiatis, &c.' How can this agree with the Popes Bulls in favours of our Church? Five of which are extant, besides the two I have adduced in favours of the Bishops of St. *Andrew*. How came our Church to have by a Bull of *Honorius*, the power of calling Provincial Councils, and making Canons? how came they to chuse one of the Bishops Conservator, with the Powers mentioned? How came they always to refuse that pretended Subjection? as the abovementioned *English* Historians show. And suppose this had been yielded by King *William* while he was a prisoner in *England*, did not King *Richard* the 1. as is shown, renounce that Right, and oblige himself to deliver the obligations extorted from King *William* when he was a Prisoner, and restricted the Homage to what King *Malcolm* the IV had given *Salvis dignitatibus suis* only for the Lands he held in *England*? That he was not so Tame as this Letter maketh him to be, appeareth from *Spelman*, *Conc. vol. 2do pag. 115 ad annum 1181*. Where it is said, 'Eodem anno, Rogerus Eboracensis Archi-Episcopus Legatus in Scotia, & Hugo Dunelmensis Episcopus, ex auctoritate Domini Papæ mandaverunt Priori Sancti Andrew & personis Ecclesiasticis per Episcopatum S. Andrew constitutis, ut venirent ad Johannem Episcopum suum, & illi debita subjectionis reverentiam facerent, sin minus, in contumaces & rebelles sententiam suspensionis inferrent. I find in the *M. S. extract de Cronica Scotia*, That Johannes cognomine Scottus, natione Anglicus ad Episcopatum S. Andrew est electus; sed Rege Willielmo ejus electioni dissentiente. Is Hugonem Capellanum suum in Episcopum consecrari fecit. Cum autem quidam virorum Ecclesiasticorum de Episcopatu S. Andrew, metu suspensionis venirent ad præfatum Johannem Epi-

Episcopum, *willielmus Rex, illos Regis sui eiecit cum  
his & cognatis, &c.* How does this agree with that im-  
portant clause which concludeth this Letter, *Nec sine matris  
consensu meo, & terra mea detrahentis, praetermitti potest,  
quoniam ita est, quoniam in pace reformata inter Dominum meum  
Regem & me convenit.* Sed enim quod in maximum peri-  
culum animarum nostrarum redundaret, si id quod pro certo  
tenemus competere debere effectui non maneretur. Either  
this must be forged, or else it was obtained on, or extorted  
from King *William*, when he was Prisoner. And from this  
Obligation he was discharged by *R. Richard I.* as has been  
shown by that King's Letter, adduced before.

Thus the Independency of our Church is abundantly cleared  
from what is said, and albeit some Popes, upon politick  
Consideration, for their interest, attempted to subject the  
Church of *Scotland* to the *English*, yet their design did never  
succeed and take effect. I am told there is a Book extant in  
Print upon this Controversie, but it was not my Luck to see  
it hitherto. The *M. S.* of *Fordons* in the Bibliothek of the  
Colledge at *Edinburgh*, hath several Chapters about it, 1618.  
Under these Titles,

Cap. 16. *Quomodo Eboracenses conantur Ecclesiam Scoticam  
sibi subicere.*

Cap. 26. *Quod Anglici nitentur subicere Ecclesiam Sco-  
ticam Anglicis.*

*Ibidem*, De Nobili Clerico *Gilberto Scoto* respondente, ex-  
probrantibus sibi *Anglicis*, & de incidentibus.

I have given from the *M. S.* I have the substance of them,  
And to show the Opinion of our Churchmen then, I judge  
it fit to give the Discourse of this *Gilbert*, word for word,  
as it is in the *M. S.*



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**Fordoni Scoto-chronici, Lib. viii. Capitulo xxvi**

**De Nobili Clerico Gilberto Scoto respondente, exprobrantibus sibi Anglis, verbum.**

**A** Pud premissum Concilium Northampton tentum, presentibus Richardo Cantuariensi & Rogero Eboracensi Archiepiscopis, cum utriusque Regni Clero: Quidam Clericus Scotus, Gilbertus nomine, consillorum Scotticane subjectionis Ecclesie conatum perreperat, eorum verba proposita, que in Senes reciterant, audiat: illi facta pene prolapsus, ignem velut ferrum excipiens, suis in suis omnibus Prelatis & Clericis, sed & Archiepiscopis cum stultum ab initio putantibus, quicquid ostendere voluerat, monitus, qui inter se dicebant: in naribus Scoti pipe, plenus est Bermanibus & caritat cum, sibi in ventris sui, eo ventus ejus quasi multum ab ipso spiraculo: quod legumulas novas erumpit. Huiusmodi Verba cum impetu exhalavit. Verum inquit, & Quidam Anglica nobilis fuisse, nunc ceterarum ferre regionum nobilior gentibus, si nos aut nobilitatis potentiam, cumq; fortitudine metueret, robur tyrannidis in audientia, nec nam liberalis Scientia, prudentiam, veritatem Sophisticam in Glosulas callide transmutaret, non legum julia rehui, ratione ducta, tuos presumis actus disponere, sed

& multitudinis tuæ militum elata copiis & divitiarum, re-  
 rumq; omnium confusa deliciis, adjacentes quoque prae-  
 ceps & gentes non multitudinedico seu potentia, sed & gene-  
 nere te nobiliores & temporis antiquitate digniores, Perversa  
 quadam libidine, aviditate dominandi, tuæ attendis ditio-  
 ni subdere, de quibus potius pristina si scripta consideres, hu-  
 militer obedire debueras, seu totius saltem rancoris extincto  
 fomite, fraterna de cætero caritate servata præheminenter con-  
 regnare & nunc quoque supra omnem quam exercebas super-  
 biendo nequitiam, nullius juris ratione sed potentia præ-  
 ambula vi, matrem tuam Ecclesiam viz. Scythiam ab initio  
 Catholicam & liberam opprimere niteris, quæ te deserta  
 gentilitatis errantem per inuia, jumento fidei imponens veri-  
 tatis & viæ, ad viam, Christum æternæ quietis hospitem re-  
 duxit, Reges tuos & principes cum populis sacri Baptisma-  
 tis undâ lavit, Dei præcepta te docuit & morabilibus te in-  
 struxit, multos & nobilium tuorum & mediocrum operam  
 Lætioni date gaudentes, libentissime suscipientes, victum eis  
 cotidianum sine pretio, libros quoque ad legendum & Magi-  
 sterium gratuitum præbere curabat. Antistites tuos, simi-  
 liter & Sacerdotes sancivit, constituit & ordinavit, per spa-  
 tium insuper annorum xxx. vel amplius ex boreali parte  
 Themefis fluvii primarum tenuit & pontificalis apicem dig-  
 nitatis. Teste Bedâ. Qualem obsecro retributionem tanti  
 tantæ beneficia largienti retribuisti? servitutem nuncquid seu  
 cladem, veluti Judea Christo, pro bono malum, equidem  
 non aliud spero. Quomodo versa es in amaritudinem vitis  
 aliena, expectavimus ut faceres Ulvas, & Labruscas pro-  
 duxisti. Expectavimus ut faceres iudicium, & ecce iniquitas,  
 & justitiam & ecce clamor. Quin tuum velle si facta se-  
 quantur, quam omni Venerationis cultu ritare te decet, in  
 ultimam reduces & miseram servitutem. Vath, prohi nefas!  
 quid autem miserius est, cui beneficia excidunt, hærent in-  
 iuria, Venenum quod serpentes in alienam perniciem pro-  
 ferunt, sinu suo continent, non ita victum ingratitude con-  
 tinentur. Torquet ingratus se & macerat, oditq; in accepta  
 quæ



'quæ redditurus est & extenuat, injurias vero auget & dila-  
 'tat. Veram sentio sententiam esse Senecæ proclamantis, quod  
 'quidam quo plus debent, magis oderunt, leve & alienum  
 'debitorem facit quem inimicum, Quid dicis tu David?  
 'fateor, retribuebant mihi mala pro bonis, & odium pro dile-  
 'ctione meâ. Injustum est attamen servire tali domino, qui nul-  
 'lo placatur obsequio, & tu Ecclesia Anglicana niteris in ve-  
 'ritum, putans sic ferre petitem, imo inconcessum auferre,  
 'quod justum est petito, si vis gaudere petito. Et ut alterius  
 'verbis audientes, nam afficiam quanquam non oratus: Pro  
 'libertate tamen Ecclesiæ meæ Scoticæ, etsi totus clerus Sco-  
 'tiæ aliter senserint, Subjectioni eorum dissentio, & hic do-  
 'minium Apostolicum, cui immediate subjecta est provo-  
 'co, & si oportuerit pro eadem me mori, hic caput ensi submitto,  
 'nec ulterius ad aversandum dominis meis hic prælati censeo,  
 'nec etiam consencio: Quia honestius est inepte petitem ne-  
 'gare, quam longos terminos dare; quia minus decipitur,  
 'cui celeriter negatur. Et his dictis, Anglorum quidam tam  
 'Prælatorum, quam Magnatum, Clericum ex eo quod intre-  
 'pidè pro suâ patriâ nulli blandiens animi motum eructaret.  
 'Quem etiam audientium non terruit austeritas, multum col-  
 'laudabant, quin etiam apostolicum ob censuram rigidam,  
 'quam paulo ante exercuerat in malignantes Ecclesiasticam  
 'libertatem, & in Sanctum Thomam Cantuariensem nimium  
 'formidabant. Alij quidem quia suæ voluntatis contrarium  
 'protulit, fumosum Scotum & impetuosum naturaliter con-  
 'clamabant.

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F I N I S.

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